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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,783	02/15/2000	Edmund Colby Munger	00479.85672	8308

7590 12/28/2001

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EXAMINER

LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/28/2001

#4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,783

Applicant(s)

MUNGER ET AL.

Examiner

Krishna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-71 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Art Unit: 2153

1. Claims 1-71 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-27 and 60-66, drawn to a system for transmitting data packet between computers, comprising: a) assigning a weight value ..., b) selecting one of ... transmission paths ..., c) measuring the transmission quality ..., d) adjusting downwardly to a non-zero value ..., classified in Class 709, subclass 241.

II. Claims 28-39 and 67-71, drawn to a system for transparently creating a virtual private network (VPN) between a client computer and a target computer, comprising: a) generating from the client computer a DNS request ..., b) determining whether the DNS ..., c) determining that the DNS ..., classified in Class 709, subclass 249.

III. Claims 40-59, drawn to a system of preventing data packet received from high bandwidth link from flooding a low bandwidth link, comprising: a) receiving data packet from the high bandwidth link ..., b) determining whether the data packet is validly addressed ..., c) determining whether the data packet is not validly addressed ..., classified in Class 370, subclass 351.

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system for transmitting data packet between computers lacks of: a) generating from the client computer a DNS request ..., b) determining whether the DNS ..., c)

Art Unit: 2153

determining that the DNS See MPEP § 805.05(d).

4. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system for transmitting data packet between computers lacks of: a) receiving data packet from the high bandwidth link ..., b) determining whether the data packet is validly addressed ..., c) determining whether the data packet is not validly addressed ... See MPEP § 805.05(d).

5. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a system for transparently creating a virtual private network (VPN) between a client computer and a target computer lacks of: a) receiving data packet from the high bandwidth link ..., b) determining whether the data packet is validly addressed ..., c) determining whether the data packet is not validly addressed See MPEP § 805.05(d).

6. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose.

7. For example, the searches for the four inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

1) The Group I search (claims 1-27 and 6-66) would require use of search class 709, subclass 241 (which would not required for the groups II and III).

Art Unit: 2153

2) The Group II search (claims 28-39 and 67-71) would require use of search class 709, subclass 249 (which would not required for the groups I and III).

3) The Group III search (claims 40-59) would require use of search class 370, subclass 351 (which would not required for the groups I and II).

7. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

8. Applicant is reminded that the required for response to this requirement is **30 days**, **not one month**.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:00 to 3:30.

The fax phone numbers for the organization where this application or proceeding is assigned is are as following:

(703) 746-7238 [After Final Communication]

or

(703) 746-7239 [Official Communication]

(703) 746-7240 [For Status inquiries, draft communication]

and/or

(703) 306-5631, (703) 306-5632 or (703) 306-5633 for [Customer Service Numbers]

Art Unit: 2153

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

December 22, 2001



KRISNA LIM
PRIMARY EXAMINER